

Service Date: April 3, 1989

FINAL ORDER NO. 5923

DEPARTMENT OF PUBLIC SERVICE REGULATION  
MONTANA PUBLIC SERVICE COMMISSION

In the Matter of the Application of     ) DOCKET NO. T-9369  
TOWNSEND LUMBER COMPANY, INC.,             )  
Townsend, Montana, for a Montana     )  
Intrastate Certificate of Public     ) ORDER NO. 5923  
Convenience and Necessity.             )

The Commission, having taken evidence and being fully  
advised in the premises, makes the following findings,  
conclusions and order:

FINDINGS OF FACT

1. On February 24, 1989, Townsend Lumber Company, Inc.,  
101 North Front Street, Townsend, Montana, 59644, filed an  
application with the Montana Public Service Commission under  
Title 69, MCA, for a Certificate of Public Convenience and  
Necessity authorizing the transportation of raw bark, finished  
bark and hogfuel, Class C, between all points and places in  
the State of Montana. LIMITATIONS: 1) Transportation is  
restricted to the account of Mountain West Bark Sales only  
and/or successors of interest. 2) Hogfuel may only be  
transported from Superior, Montana. 3) Finished bark may be  
transported with self-unloading trailers only.

2. In accordance with Section 69-23-321, MCA, as amended, this matter was noticed to the public March 7, 1989. That notice said in pertinent part:

If no written protests are received by March 27, 1989, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. No protests or responses of any kind were received.

4. The record of this application is available for inspection at the Public Service Commission Office, 2701 Prospect Avenue, Helena, Montana 59620-2601.

#### CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

#### ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the

State of Montana, held in its offices at 2701 Prospect Avenue, Helena, Montana, on the 3rd day of April, 1989, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-9369, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of TOWNSEND LUMBER COMPANY, INC., 101 North Front Street, Townsend, Montana for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent: Raw bark, finished bark and hogfuel, Class C, between all points and places in the State of Montana. LIMITATIONS: 1) Transportation is restricted to the account of Mountain West Bark Sales only and/or successors of interest. 2) Hogfuel may only be transported from Superior, Montana. 3) Finished bark may be transported with self-unloading trailers only.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by certified mail to the Applicant herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 3rd day of April, 1989, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

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CLYDE JARVIS, Chairman

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HOWARD L. ELLIS, Vice Chairman

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JOHN B. DRISCOLL, Commissioner

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DANNY OBERG, Commissioner

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WALLACE W. "WALLY" MERCER, Commissioner

ATTEST:

Ann Purcell  
Acting Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.